



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JFM

In re application of : **Confirmation No. 8777**

Shigeru CHIKASE et al. : Attorney Docket No. 2006_0391A

Serial No. 10/574,979 : Group Art Unit 1614

Filed April 7, 2006 :

AMORPHOUS ANTIBIOTIC COMPOSITION
COMPRISING CEFEDITOREN PIVOXIL :

THIRD INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents

P.O. Box 1450
Alexandria, VA 22313-1450

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEE FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975.

Sir:

Pursuant to the provisions of 37 CFR 1.56, 1.97 and 1.98, Applicants request consideration of the references listed on attached form PTO-1449 and any additional information identified below in paragraph 3. A legible copy of each reference listed on the Form PTO-1449 is enclosed, except a copy is not provided for:

- each U.S. Patent and U.S. Patent application publication;
- each reference previously cited in the international application PCT/_____ ; and/or
- each reference previously cited in prior parent application Serial No.

1a. This Information Disclosure Statement is submitted:

within three months of the filing date (or of entry into the National Stage) of the above-entitled application, or

before the mailing of a first Office Action on the merits or the mailing of a first Office Action after the filing of an RCE,

and thus no certification and/or fee is required.

1b. This Information Disclosure Statement is submitted

after the events of above paragraph 1a and prior to the mailing date of a final Office Action or a Notice of Allowance or an action which otherwise closes prosecution in the application, and thus:

(1) the certification of paragraph 2 below is provided, **or**

(2) the fee of \$180.00 specified in 37 CFR 1.17(p) is enclosed.

1c. This Information Disclosure Statement is submitted:

after the mailing date of a final Office Action or Notice of Allowance or action which otherwise closes prosecution in the application, and prior to payment of the issue fee, and thus:

the certification of paragraph 2 below is provided, and

the fee of \$180.00 specified in 37 CFR 1.17(p) is enclosed.

2. It is hereby certified

- a. that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Statement, or
- b. that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of the Statement.

3. Consideration of the following list of additional information (including any copending or abandoned U.S. application, prior uses and/or sales, etc.) is requested.
4. For each non-English language reference listed on the attached form PTO-1449, reference is made to:
 - a. a full or partial English language translation submitted herewith,
 - b. a foreign patent office search report (in the English language) submitted herewith,
 - c. the concise explanation contained in the specification of the present application at page,
 - d. the concise explanation set forth in the attached English language abstract,
 - e. the concise explanation set forth below or on a separate sheet attached to the reference:
5. A foreign patent office search report citing one or more of the references is enclosed.
6. Comments

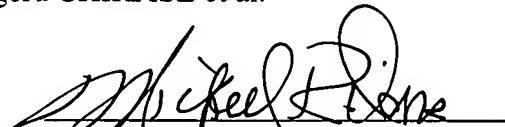
The EP '024 reference cited on the attached PTO-1449 form corresponds to the US '411 reference cited in Applicants' IDS of February 9, 2007. Similarly, EP '978 on the attached form corresponds to US '493 in the earlier IDS.

EP '721 on the attached PTO-1449 form corresponds to the US '290 reference also cited on this form.

Respectfully submitted,

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August 30, 2007



FORM PTO 1449 (modified)

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICELIST OF REFERENCES CITED BY APPLICANT(S)
(Use several sheets if necessary)

Date Submitted to PTO: August 30, 2007

ATTY DOCKET NO.
2006_0391ASERIAL NO.
10/574,979APPLICANT
Shigeru CHIKASE et al.FILING DATE
April 7, 2006GROUP
1614

U.S. PATENT DOCUMENTS

| *EXAMINER INITIAL | | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|-------------------|----|-----------------|--------|------------|-------|----------|----------------------------|
| | AA | 6,107,290 | 8/2000 | Woo et al. | | | |
| | AB | | | | | | |
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FOREIGN PATENT DOCUMENTS

| | | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION YES | NO |
|--|----|-----------------|---------|---------|-------|----------|-----------------|----|
| | AH | 1 080 721 | 3/2001 | Europe | | | | |
| | AI | 1 051 978 | 11/2000 | Europe | | | | |
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| | AL | | | | | | | |

OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)

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| | AM | Database EPODOC, European Patent Office, The Hague, NL; XP002435617 & JP 60 188320, September 25, 1985. |
| | AN | Database EPODOC, European Patent Office, The Hague, NL; XP002435618 & JP 60 132918, July 16, 1985. |
| | AO | Database WPI Week 198533, Derwent Publications Ltd., London, GB; AN 1985-200315, XP002435634 & JP 60 126230 July 5, 1985. |
| | AP | Yukiko Yokoi et al., "Effects of sugar ester and hydroxypropyl methylcellulose on the physicochemical stability of amorphous cefditoren pivoxil in aqueous suspension", International Journal of Pharmaceutics, vol. 290, no. 1-2, pages 91-99, XP004967394, ISSN: 0378-5173, February 16, 2005. |

EXAMINER

DATE CONSIDERED